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In The  
**Supreme Court of the United States**  
October Term, 1986

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**BOARD OF DIRECTORS OF ROTARY  
INTERNATIONAL, et al.,**

*Appellants.*

v.

**ROTARY CLUB OF DUARTE, et al.,**

*Appellees.*

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**Appeal from the Court of Appeal  
of the State of California,  
Second Appellate District**

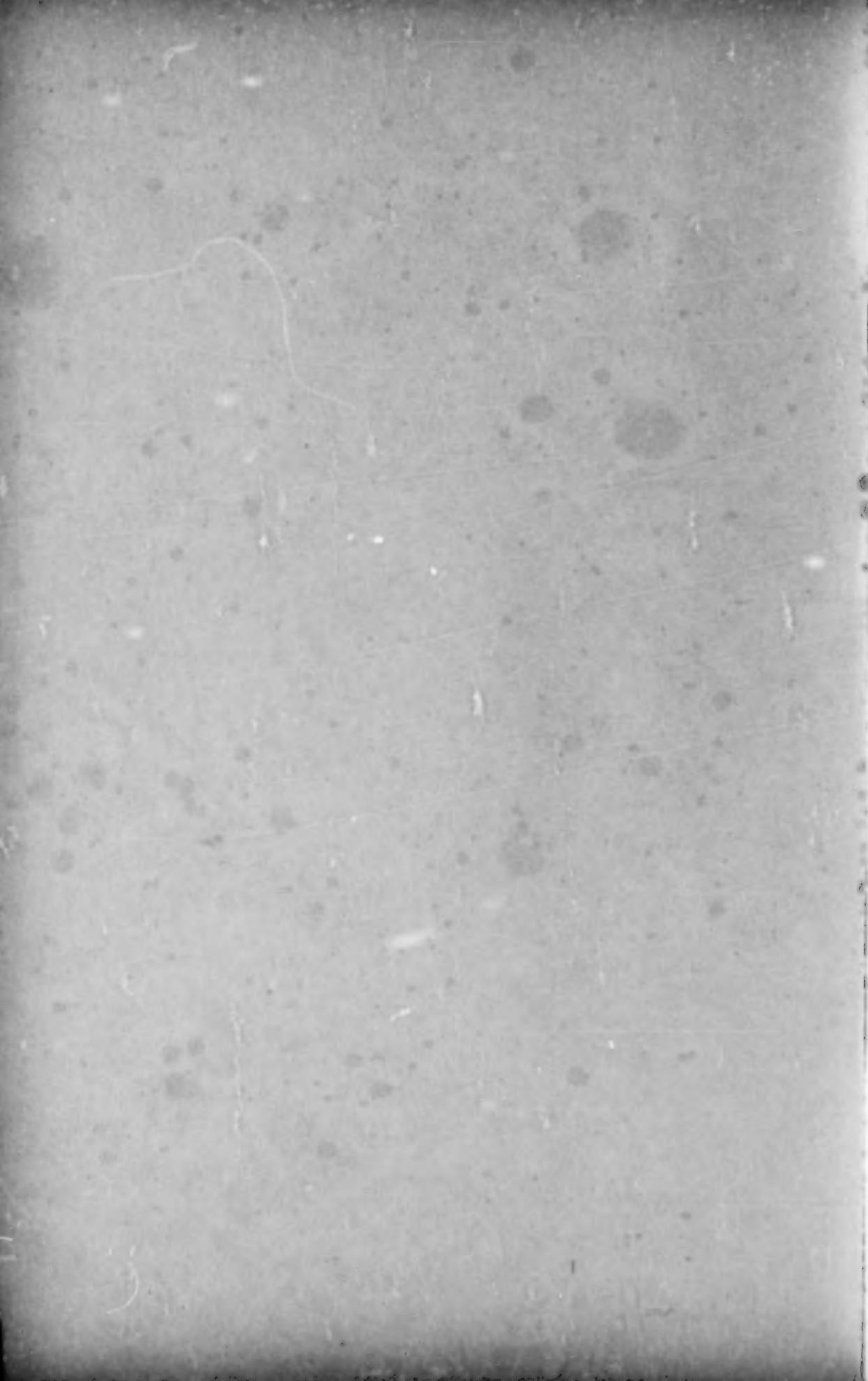
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**BRIEF OF PILOT CLUB INTERNATIONAL,  
SOROPTIMIST INTERNATIONAL OF THE  
AMERICAS, INC., AND ZONTA INTERNATIONAL  
AS AMICI CURIAE IN SUPPORT  
OF APPELLANTS**

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Pilot Club International, Soroptimist International of the Americas, Inc., and Zonta International submit this brief as amici curiae in support of the appellants, Board of Directors of Rotary International and Rotary District 530.

## INTEREST OF AMICI

Each of the amici are female service clubs which are both national and international in scope and membership. Although each of the amici have restricted their membership to women, the history, purpose and programs of each organization differ. The following is a brief description of the nature and work of each organization.

Pilot Club International (Pilot) is a civic service organization for executive and professional women organized in 1921 in Macon, Georgia. It presently has approximately 21,000 members in more than 600 local clubs in eight countries. Pilot is non-profit, non-partisan and non-sectarian. The objectives of Pilot are to develop friendship as a means of broadening opportunity for service, to encourage international peace and cultural relations, to inculcate the ideal of service, encourage high ethical standards among executive and professional women, and to promote active participation in movements which will improve the welfare of the community.

The programs of the Pilot Club are varied, but emphasize work with disabled individuals. Pilot sponsors local organizations for high school and college students, open to both sexes; sponsors scholarships for international students and for adults seeking a second career; and works with an international foundation to carry out programs of education emphasizing principles of freedom.

Pilot's membership is by invitation only and is limited to women. Members are classified according to their profession and only a limited number is allowed in each classification in order to maintain a diversity in business and professional interests. Each club is autonomous in selecting its programs and charitable service projects to meet the needs of its own community.

Soroptimist International of the Americas, Inc. (Soroptimist) is one of four federations of an international organization, known as Soroptimist International, founded

in 1921 in Oakland, California. Soroptimist is composed of nearly 1,300 local clubs with nearly 47,000 members in 23 countries. The purpose and intent of the Soroptimist clubs are to develop interest in community, national and international affairs and assist in developing patriotism and love of country. There are six program areas presently defined by the International: (1) economic and social development; (2) education; (3) environment; (4) human rights and the status of women; (5) health; and (6) international goodwill and understanding. Each local club can choose the projects in which to participate and may organize its own local charitable work.

Soroptimist has been involved in economic development projects in the third world, such as developing water supply systems, sanitation, education and health programs in Mexico and work training centers in Calcutta and the Philippines, and working with the earthquake victims of Mexico. Local clubs have been involved in projects as varied as working to develop shelters for abused women and children, working with illiterates and handicapped individuals, and working on local environmental, nutrition and health programs. The organization sponsors scholarships for women in universities and for older women who must enter the job market to provide support for themselves and their families. Awards to distinguished women and for youth citizenship are also given. The organization's youth citizenship award and its sigma clubs are accessible to both sexes.

Although the by-laws of the Soroptimist are silent concerning the admission of men, the organization is composed entirely of women. Membership is also by invitation only, and a classification system similar to that of the Pilot organization is used.

Zonta International (Zonta) is an international women's service organization of over 35,000 executive women in business and professions in over 1,000 local clubs

in 48 countries. Unlike the Pilot and Soroptimist organizations, the essential programmatic function of Zonta is the advancement and support of women. It was founded in Buffalo, New York in 1919.

Zonta is engaged in a number of economic development programs in underdeveloped countries whose primary aim is women, such as creating work programs for women in Argentina, Botswana, Comoros Islands, Mexico, Thailand and Zimbabwe; development of a project to provide drinking water in Sri Lanka; health and education centers in Colombia; and mobile medical units in rural Ghana. Zonta provides scholarships to women in university aerospace, related science and engineering studies under the Amelia Earhart Fellowship Awards Program; Ms. Earhart was a Zontian. It sponsors youth service clubs and supports projects for senior citizens.

Zonta as well restricts its membership to women; membership is by invitation only and is limited to various professional and career classifications determined by the local clubs within the framework of international guidelines.

In addition to these three organizations, there are two other women's service organizations. Their membership, policies and organizations are similar to the amici.

Quota International, Inc., founded in 1919, with nearly 13,000 members in 450 clubs throughout the United States and eight other countries, is a group for executive, business and professional women. Although each local club chooses its own community and international service projects, emphasis is on service to people with hearing and speaking disabilities.

Altrusa International, Inc., with 21,000 members, 583 clubs in 17 countries, was founded in 1917. Its emphasis at the international level is on education aimed at improving the welfare of women. Altrusa sponsors scholarships and award programs for women in developing countries. Local

clubs have a great deal of autonomy to choose programs and areas of involvement.

The appellants seek review in this Court to reverse the judgment of the California Court of Appeal that requires them to admit women. That Court held that *Roberts v. United States Jaycees*, 468 U.S. 609 (1984), mandates an application of the California Unruh Act to require appellants to admit women. Appellants argue, however, that the criteria enunciated by this Court in *Roberts*, if applied in this case, support a holding that their rights under the First Amendment would be violated by an order requiring the admission of women.

For this proposition, the appellants assert that the organization, nature and character of the Rotary clubs differ markedly from the Jaycees clubs in *Roberts*. These distinctions require a different application of the criteria discussed in *Roberts*.

From a review of the record in this case, it appears that the structure and nature of the Rotary clubs are quite similar to those of the amici. Their membership and selection procedures are similar; their organization is the same; the size of the local clubs is approximately the same; each of the organizations is a true service club in that its programs do not seek to benefit the members but to provide service to the public; and memberships are not solicited.

Should the Court rule that the First Amendment rights of the appellants do not allow them to have a male club only, it would appear that the amici organizations, comprised of women, would be equally required to admit men who wished to join. The clubs' discretionary selection policies would be undermined. The consequences of this change would be profound to both the amici and also to the private service club movement in the United States. The character, intent and identity of these organizations would be destroyed and its programs diluted and compromised.

For these reasons, amici have an interest in the out-

come of this case and urge the Court to reverse the California Court of Appeal and allow the appellants to restrict their membership to men.

## ARGUMENT

### I. THE FIRST AMENDMENT FREEDOM OF MEMBERS OF AMICI TO ENTER INTO AND MAINTAIN CLOSE RELATIONSHIPS WOULD BE ABRIDGED BY A RULING UPHOLDING THE CALIFORNIA COURT OF APPEAL

In *Roberts v. United States Jaycees*, 468 U.S. 609 (1984), this Court recognized the First Amendment's freedom to enter into and maintain certain intimate and personal relationships and tested the Jaycees organization under these principles. Because the Court found that organization to be large, impersonal, unselective and designed for the direct economic advancement of its members, it held that such freedom was not compromised by requiring the admission of women into the Jaycees.

The Court explained in *Roberts* that such characteristics as "size, purpose, policies, selectivity, congeniality", *id.* at 620, could require constitutional protection not found with the Jaycees. Appellants in this case analyze their organizations under these criteria and urge the Court to find them distinguishable from the Jaycees. As explained above, the amici organizations are organized and operated in a manner similar to the appellant Rotary clubs. The local clubs are relatively small, quite selective, seek to work among themselves as members separate from others, and base their activities on the ideal of public service.

Should this Court rule on the facts presented in this record that the appellants are not protected by the First Amendment's right to enter into and maintain close relationships, two crucial values long held by the amici will be compromised, if not destroyed.

### A. Diversity

The Court in *Roberts* recognized that "certain kinds of personal bonds have played a critical role in the culture and traditions of the Nation by cultivating and transmitting shared ideals and beliefs; they thereby foster diversity and act as critical buffers between the individual and the power of the State." *Id.* at 618-19. If the right of the appellants to limit membership to men were removed and members could not maintain the diversity of their constituency, the special nature of all service organizations, male or female, will be gone.

Each of the three women's service organizations is unique and, although women only are admitted, each is quite different from the other in its programs, character and history. Zonta, for example, tailors its programs solely to women's advancement throughout the world, and the direct goal of its programs is the improvement of the condition of women. Soroptimist, on the other hand, has as only one of its international organization's goals the advancement of women. Pilot, however, does not have this as one of its specific goals, although local clubs are allowed to involve themselves in such projects. Each organization has its own special history and method of operations. Although each organization has established foundations, awards and scholarship programs, the recipients and goals of those programs differ.

These make each organization distinctive and special. It is important in our country to have all male clubs, all female clubs and mixed clubs with different purposes, programs and methods of operation. These differences promote an important diversification which does "act as [a] critical buffer[] between the individual and the power of the State." *Roberts* at 619.

The amici urge the Court to give important emphasis to the importance of diversification in our constitutional system reflected in their clubs and the Rotary clubs.

### B. Self-Identity.

The Court also recognized in *Roberts* that "individuals draw much of their emotional enrichment from close ties with others. Protecting these relationships from unwarranted state interference, therefore, safeguards the ability independently to define one's identity that is central to any concept of liberty." *Id.*

One of the important purposes of these women's service organizations is to give professional women the opportunity to work and share with other professional women. This could not occur in clubs of both sexes. By organizing and working together as women, members are given the opportunity to develop relationships of support, advice and shared goals with other women which foster individual growth and development.

Should women's service clubs be required to admit men, these unique and special benefits to women will be eviscerated.

### II. THE FIRST AMENDMENT GUARANTEE OF ASSOCIATIONAL FREEDOM WOULD BE ABRIDGED BY A RULING UPHOLDING THE CALIFORNIA COURT OF APPEAL.

The Court in *Roberts* recognized a second independent basis for protecting private associations from undue interference and regulation by the State. The First Amendment protects an individual's right to join with others and engage in group efforts "in pursuit of a wide variety of political, social, economic, educational, religious and cultural ends." *Id.* at 622. The Court said, with respect to private clubs (*Id.* at 623):

There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together. Freedom of association therefore

plainly presupposes a freedom not to associate.

In *Citizens Against Rent Control v. Berkeley*, 454 U.S. 290, 294 (1981), the Court explained that:

The practice of persons sharing common views banding together to achieve a common end is deeply embedded in the American political process.... The tradition of volunteer committees for collective action has manifested itself in myriad community and public activities... [and][i]ts value is that by collective effort individuals can make their views known, when, individually, their voices would be faint or lost.

If men were forced upon these groups as members, amici believe that their purposes and goals would be diluted, compromised and in some instances destroyed. The focus of their group effort would most likely be shifted to more generalized goals more compatible with the preferences and ideas of its male members and less focused on women. Women are entitled to organize themselves exclusively in a group to work toward shared goals. Their exclusivity gives them strength and a cohesion of purpose.

Under our constitutional system, these rights are cherished and cannot be abridged or compromised. A reading of *Roberts* which would require the appellants to admit women will work a severe injury on the amici organizations and on the entire service club movement in this nation.

## CONCLUSION

The Court should reverse the judgment of the California Court of Appeal.

Respectfully submitted,

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